

EXHIBIT E

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT,
IN AND FOR JEFFERSON COUNTY, FLORIDA

CASE NO. 2017-CA-0162

J.D. JAMES, INC., D/B/A NATURE
BRIDGES,

Plaintiff/Counter-Defendant,
vs.

SAKET CHAUDHARI,

Defendant/Counter-Plaintiff.

DEPOSITION OF: MATTHEW PARKER

TAKEN AT INSTANCE OF: The Defendant

DATE: February 21, 2018

TIME: Commenced at 1:02 p.m.
Concluded at 2:42 p.m.

LOCATION: 2894 A. Remington Green Lane
Tallahassee, Florida 32308

REPORTED BY: KAIRISA J. MAGEE
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| 6 | (Exhibits are attached to transcript.) | |
| 7 | NO. DESCRIPTION ID | |
| 8 | | |
| 9 | (NO EXHIBITS MARKED) | |
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STIPULATIONS

The following deposition of MATTHEW PARKER was taken on oral examination, pursuant to notice, for purposes of discovery, and for use as evidence, and for other uses and purposes as may be permitted by the applicable and governing rules. Reading and signing is not waived.

THE COURT REPORTER: Do you solemnly swear or affirm that the testimony you're about to give in this cause will be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

Thereupon,

MATTHEW PARKER was called as a witness, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. HARPER:

Q Sir, could you please state and spell your name for the record?

A Matthew Parker, M-A-T-T-H-E-W, Parker, P-A-R-K-E-R.

Q All right. Mr. Parker, have you ever had your deposition taken?

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A In this matter?

Q No, just --

A I've been in depositions before, yes.

Q Okay. Do you have a general understanding as to how they -- they typically work?

A Yes.

Q Okay. If I -- if you don't understand a question that I ask, feel free to, you know, ask me to rephrase or, you know, let me know you don't understand and I'll -- I'll do my best to accommodate you.

In preparation for today's deposition, did you review any documents or records?

A I located the file to the project that we had. I haven't gone through much causative or anything, no.

Q Is that -- that file that you're referring to, is that your file or -- or your company's file?

A Yes, sir. It's the only one I have, yes.

Q Okay. What do you do for a living?

A I'm a professional engineer.

Q And what type of engineer?

A We do civil constructional work.

Q Where did you attend your schooling or your training?

A Florida State.

Q Did you -- did you obtain an engineering

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they're the only other state that requires one.

Q Where are you licensed? In what -- in what states are you licensed?

A I personally am currently licensed in Florida, Georgia, Alabama, I think, in Tennessee. I will have to check. But we have an associate Zeyn Uzoman who's licensed in all 50 states.

THE COURT REPORTER: Can you spell that name for me?

THE WITNESS: Yes. Zeyn, Z-E-Y-N. Uzoman, U-Z-O-M-A-N.

THE COURT REPORTER: Thank you.

BY MR. HARPER:

Q I appreciate you spelling that. That was -- I would not have guessed that.

A Like it sounds.

Q Do you have any -- strike that.

How many bridges have you designed in your career approximately?

A I couldn't tell you. It's over a thousand. I mean, if not a thousand, a lot of bridges.

Q Is that by and large your specialty or your niche, or do you also design other structures?

A We do design other structures, but we do a lot of light vehicular pedestrian bridges.

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degree?

A Yes.

Q Okay.

A I have a bachelor's in civil engineering.

Q Now, I -- I believe I recall having come across some information about you that references storm water management; is that correct?

Is that within the purview of your experience?

A In the work that I've done?

Q Yes, sir.

A On this project?

Q No, sir.

A Just in general?

Q Correct.

A Yes.

Q What does that entail?

A What does what entail?

Q Storm water drainage maintenance or -- I believe the phrase I came across was storm water management officer or, you know, my apologies.

A I have the state license of a certified management control officer, yes.

Q Okay.

A But that is required for most engineers who do design in Florida. Also I was one in Georgia. I think

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Q And -- and with regards to a light vehicular bridge, what is the --

A Not an interstate bridge.

Q Anything other than an interstate bridge?

A It would not be what you would typically -- we would not do the Sunshine Skyway or an I-10 overpass. Light vehicular bridge means small or light, not low, but light in traffic. So we've done plenty vehicular bridges that's heavy traffic but not heavyweight traffic, not heavy volume of traffic. That's the differentiation.

Q Is there any particular reason why you -- you focus more on the -- the light vehicular bridges than the interstate-type bridge?

A It's a differentiation within the industry. Firms that -- heavy vehicular bridges are something unique to the Department of Transportation regarding any one -- whatever state.

You are, for instance, I'm sure, like the practice of law, it's either something -- you work with those people or you don't. You either work for the DOT and you do all the DOT firm because they have extensive requirements for auditing your books and all the paperwork associated with that.

So we are not a DOT. We do not do all of the

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1 DOT for a client. We work for them as a sub-consultant
2 from time-to-time but not a primary consultant.

3 Q I understand. Thank you.

4 Do you have any independent recollection or a
5 familiarity with this particular project that we are
6 here on today?

7 A Yes. I designed it; so I have recollection of
8 it, yes..

9 Q Yes, sir.

10 What is your relationship with JD James
11 Incorporated or Nature Bridges?

12 A They're a client. They have been a client for
13 a while, probably more than 10 years.

14 Q Are you -- is there any sort of exclusivity?

15 A No.

16 Q Okay.

17 A No. They're a client. They probably
18 represent maybe 15 percent of our annual billing. I
19 mean, they're not -- they're -- they're a larger client
20 in the world of clients, in our firm, but not -- they're
21 not as big as -- there are several others that are much
22 larger.

23 Q Is it fair to say that the -- well, I guess a
24 better way to word it -- are the majority of the -- the
25 matters or the projects that you take on from Nature

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1 I'm -- I'm wrong.

2 Do you know of any state whose licensing
3 committee, for lack of a better word, is contained
4 within the Department of Environmental Protection for
5 that state?

6 A No. It's a separate entity. The -- the board
7 of professional engineers is a board, every state has
8 their own board. They're totally independent of the DEP
9 or any other department. You don't go to the DEP to get
10 licensed as an engineer.

11 Q With respect to this particular bridge that
12 you designed for Nature Bridges and Mr. Chaudhari, as
13 best you can, could you explain the circumstances
14 surrounding your initial engagement?

15 And I know I'm butchering this question, but
16 what I'm getting at is, if you recall who from Nature
17 Bridges first reached out to you and when.

18 A It's likely Brian Green from Nature Bridges,
19 and he had sent me a -- I don't know exactly who sent
20 the e-mail, but somebody sent the document that said,
21 "Matt, we're requesting that you design this bridge."

22 And in this case, it was a 12-foot wide by
23 20-foot concrete bridge. And we discussed the
24 foundation and the means and methods of construction and
25 how they wanted to do things.

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1 Bridges located in the State of Florida?

2 A No. They're located across the country. I've
3 worked on projects with them from New York, Michigan,
4 Texas, Florida, Alabama, Tennessee, the Carolinas. We
5 have one in Virginia right now. Yeah. I mean, it's --

6 Q There's no -- or is there a requirement, a
7 licensing requirement to design a bridge that is to
8 be -- erected in another state?

9 A No. Yes, a registered professional engineer.
10 We don't have to be exclusively in that state. It's up
11 to the local jurisdiction, but if they will accept a
12 local across state lines, I can work in that state.

13 I've worked on projects in Alabama, and local
14 officials do not require. I've sealed it with my
15 Florida seal. They do not require an Alabama license.
16 I've worked in Georgia and Tennessee, and they don't
17 require any engineer from that -- that holds a license
18 in that state to work there.

19 Q By in large, who is it that you work -- when
20 you say "they" ...

21 A The reviewing entity from the government,
22 whether it be a building department or --

23 Q Is that ever the DEP, a state DEP?

24 A I'm not sure I follow the question.

25 Q Okay. And -- and please correct me if -- if

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1 Q And what is your understanding about Brian
2 Green's role at Nature Bridges?

3 A He's the project manager for Nature Bridges.

4 Q As you are preparing your design, what sort of
5 information do you -- do you need to have?

6 A We need to know the size and structure. We
7 need to know the anticipated loads and the soil
8 conditions, where the foundation is going to go.

9 Q How are soil conditions determined?

10 A There's several ways. You can have borings
11 completed at the location, where you want to build the
12 structure, or you can use regional maps that are
13 provided by the USDA soil conservation area that have
14 completed -- previously completed studies in the areas
15 and have profiles of soils in a discrete area.

16 So they have a map of the area and you can
17 look at that map and see what the predominant soil type
18 is in that area.

19 Q Is there ever -- has there ever been an
20 occasion in which you have needed to reach out to an
21 environmental engineer or a local government to
22 ascertain information that wouldn't otherwise be
23 necessary -- necessarily reflect -- reflective on a map
24 or, you know, otherwise just easily available?

25 A I'm not sure I follow the question.

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Q Okay. Have you ever felt the need or -- or had the need to -- to reach out and confirm various findings or unique aspects of a particular property with individuals outside of your -- your client?

A On this particular project or in general?

Q In general.

A In general, sure. I mean, you -- we'll ask other people other questions about a project, but, yeah.

Q What about this particular project?

A Well, the parameters are pretty well set as far as the size of the bridge and where it was going to, you know, where it was going to be. So that -- we had a handle on that.

We were given what the loads would be, what the materials would be, the size of the bridge, the DEP permit for construction in wetlands was complete. We received a one-page drawing from Lan and Associates depicting it, and that's it.

Q That one-page drawing from Lan and Associates, what did it depict to -- to the best of your recollection?

A It showed a -- the bridge, a driveway, a house, a drain field built on a residential lot or a lot, a building lot.

Q Do you recall whether or not that drawing

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There was something like that, and things changed.

Q Are there ever -- does that sort of phenomenon ever occur in your experience because of matters of compliance?

A It can be. Changes in site condition are usually the biggest, and cost.

Q Have you ever encountered a scenario whereby you determined the dimensions that an owner was requesting would not comply with the -- the property's site or permits?

A No -- we're just talking in generalities?

Q Yes, sir.

A Yeah, sure. People tell me all the time they want to build a 10,000 square foot house, and it won't fit on the set backs or things like that. So you have to make changes. I mean, they may have a house that's too long and it doesn't fit or something; so you say, "Your house doesn't fit in the set backs."

Q And -- and in general, how does that process look? I understand you to say there are conversations you've got to, you know, inform the -- the owner, This is, you know, I recognize this is what you want, but this is not going to work. Here's why.

How do you, yourself --

A You change the house, or you would request a

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provided for a particular location for the bridge?

A Uh-huh. It had a location and size. It's size, which was different from what he had discussed or what I was told the bridge would be. *↳ with whom*

Q And then, who did you discuss the size of the bridge with?

A I had e-mailed Brian and I talked to him. And I said, "You realize you want a 12 by 20 bridge but the drawings show something about a 32-foot bridge."

And he said, "The clients requested a 20-foot bridge. That's what we're building."

So that's what I designed.

Q Is there -- in your experience, does the dimension that an owner is requesting, does that serve as the -- the compass or the gospel for what is to be designed by you?

A Oh, sure. I mean, they're the ones paying the bill. It's not uncommon to have drawings that have been drawn and permitted, and then when they come to me and they say, "Well, the bridge is -- shows 174 feet, but I want them to build a 144-foot bridge," or, "The abutment was going to go here but it's going to go here," or, "The plans showed 10-foot wide, but we want to build an 8-foot wide because there are budget issues."

So it's -- it's -- there was cost overrun.

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deviation for set backs. I mean, those are your two options.

Q So do you, yourself, ever request those deviations?

A Sure.

Q To the set backs?

A Yeah. It depends on the modifications. And a lot of things are handled in as-built. I mean, because the site condition's are always different than what was in the drawings; so there is always a change.

So you prepare typically record drawings or as-built drawings of what we actually built. This is what was originally proposed and this is what we built. And it's always different.

Q Why is it always different?

A Because the physical conditions of the site are always different. They're never exact. There is no -- the survey has allowable errors within it. Things -- surface topography changes. Things vary, things change. That's not uncommon that there's something, you know, in the process that wouldn't work. So something has to be changed.

Q Do you recall in your participation or involvement in this -- this project at some point determining that a change was necessary that -- a change

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1 From that initial land sketch?

2 A Well, I know the bridge that was requested
3 wouldn't work in the place that it was originally
4 located because of grading issues because they'd been
5 grading off site, and the -- the shape of the creek
6 where they would put the foundations in the creek, which
7 was not allowed. So it had to be located somewhere
8 else.

9 Q And would -- to the best of your recollection,
10 was that something that you were able to identify, or
11 was that something that Brian noticed?

12 A I was never on the site; so that was something
13 Mr. Green had relayed to me.

14 Q In -- in other words this is what -- these are
15 the dimensions this owner ... this owner wants. It's
16 not going to work here, you know, can you please draw up
17 something that does?

18 A Draw up something or is something acceptable.
19 "Matt, we're building the boardwalk, and there is a
20 large tree that didn't get picked up on the survey."

21 And the owner wants to say that, "We want to
22 skew the boardwalk this way, and we want to curve around
23 the tree."

24 We have a boardwalk that's a -- that has no
25 handrail, and to have a handrail you -- you're required

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1 to, you know, design accordingly.

2 So my question was: Do you recall ever having
3 received any modified or second drawings to give you an
4 idea or -- or otherwise reflected necessary changes to
5 the -- the site plan that you needed to account for?

6 A I don't recall a drawing. I recall a
7 conversation that the -- the grades as shown wouldn't
8 work, and it would require replacement of fill on an
9 adjacent property, and that's not allowed. I told him,
10 "You can't grade on the adjacent owner's property.
11 That's not allowed." I recall that.

12 Q Do you know either specifically or just by
13 experience, what then is to happen in -- in light of
14 that revelation that you just explained, meaning --

15 A Well, adjustments would be made so you don't
16 grade on the adjacent property.

17 Q Yes, sir.

18 And -- and what are some examples of those
19 types of adjustments?

20 A Well, it depends on the grade. You can change
21 the -- specific to this item, you could have changed the
22 elevation of the bridge. You could change the location
23 of the bridge. But the elevation of the bridge would
24 not be wise to change because of the flow way of the
25 water under it.

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1 to have handrails on a boardwalk that's 30 inches -- or
2 above off grade. Well, the whole plan was to keep the
3 boardwalk at 29 inches off the ground and -- but the
4 site conditions -- there is a dip. And we're going to
5 have locations that are going to be greater than 30
6 inches off the ground; so we have to install a handrail.
7 So we need to change the slope of the boardwalk. We
8 need to go up or down or do something. There is
9 variations.

10 Q I understand.

11 A So I got a phone call. I evaluate the
12 drawings. Can this change be made with the drawings as
13 they are? Yes or no, you know?

14 Q Do you recall ever receiving any modified or
15 change -- changed drawings from that original Lan and
16 Associates' site plan?

17 A Well, the only people who generate -- we don't
18 usually do drawings, typically; so, no. We didn't do
19 anything. I don't know if anything else exists or -- I
20 mean, I never received anything from Nature Bridges
21 or ... I'm not sure I'm following the question, so ...

22 Q I was taking, as best I could, your
23 explanation of how, you know, these necessary changes as
24 they evolve are addressed and how those are reported
25 back to you so that you've got the information you need

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1 Q Is it uncommon in your practice or your
2 experience to identify a need to change a bridge's
3 location from the -- for lack of a better word, as
4 intended or originally anticipated location?

5 A Am I aware of a need to change the bridge's
6 location?

7 Q No, sir. Do you -- is that -- do you
8 regularly encounter a scenario whereby you are provided
9 some initial drawings and it is later determined that
10 your particular scope of work or your -- the bridge that
11 you are to be -- design will not work at the location?

12 A Sure, yes.

13 Q Is there -- are they more often or not modest
14 changes or substantial changes with regards to the
15 location?

16 A Modest changes are not an engineering term.
17 You know, what's modest to one person is not modest to
18 another. So you know --

19 Q I understand.

20 A -- there is -- things change. Whether -- you
21 know, someone may consider it dire that it's two inches
22 to the left; some may not. That's, you know ... so I
23 mean, changes are normal. What the -- the magnitude of
24 the change or the cornification of the change is -- is
25 subjective.

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Q I understand.

Do you by and large -- let me rephrase that.

Is it common for you to speak directly to your clients' owner?

A Typically my client -- in this particular case, my client was Nature Bridges.

Q Yes, sir.

A That's who I communicated directly with. That's who I was contracted to provide structural design services for. So that's who we communicated with. In some cases we will communicate with the client, but those are also cases where we have other relations with the client.

Q In this matter here, involving this bridge that you built -- or excuse me -- that you designed for Nature Bridges, do you recall having direct -- at any time having direct communications with the property's owner?

A I believe I had called -- I think we spoke once. We e-mailed. I know we've had contact, yes.

Q Do you recall the nature of that contact or what purpose or why that contact was needed or --

A My first contact started when a letter from New Jersey DEP arrived about violations of the DEP permit. There was some -- there were four or five

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Q What --

A Any matters that pertain to whatever was -- that I'm designing that's being built.

Q What is the distinction between building permitting issues and civil engineering permitting?

A Building permit is a defined process with a local municipality or governing entity. Civil engineering is a broader term. There is no civil engineers permitting 'cause there is no entity that just reviews civil engineering.

Civil engineering encompasses everything from changes in typography to grading to structural work, transportation. So the reviewing entity could be anyone. Could be a building department, could be the state, DOT. Could be the state DEP. It could be the feds. It could be anybody.

Q Is there any palpable overlap between civil engineering and structural engineering?

A Civil engineering -- structural engineering is a subset of civil engineering. There's civil engineering. There's transportation, hydrology, hydraulics, structures, transportation. They all come under the civil engineering umbrella.

Q In furtherance of your designs, do you have to take into consideration geological matters?

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items. And I had -- I think -- Mr. Chaudhari is it? Is that right?

MR. CHAUDHARI: Yes, sir.

THE WITNESS: Had received it. They forwarded it to me. I reviewed it. I contacted them, and they said, "Would you please contact him as well and explain what's going on?"

So we did. And I think I explained to them, and I think I wrote an e-mail that went to everybody.

BY MR. HARPER:

Q Do you -- do you have involvement with matters of -- involving silt or fill or not necessarily designed, you know, bridge design, but the surrounding relevant components to that bridge? And that's a poor question. Let me rephrase that.

Do you have -- ordinarily, do you have any involvement with permitting matters?

A Yes.

Q And what sort of permitting matters would -- are those commonly? Are those building permitting matters that you're referring to?

A They could be any number. They can be building permit matters. There could be any number of matters. They could be anything.

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A We take in the geology as it pertains to the bearing of the structure.

Q In -- in what respect?

A Does the -- do the soils have adequate capacity to support the structure?

Q With respect to Mr. Chaudhari's property, absent an on-site visit or inspection, how are you able to determine what the soil needs to ensure structural --

A You mean like soil capacity of the site so I can design the foundation?

Q Yeah, sure.

A Okay. We -- because of the conditions that were there, Mr. Chaudhari's bridge is going in what are called loessial soils. Loessial soils are carry down material. They're wash out. There are deposits from the stream. They're erosion from the stream. These are loessial deposits.

The variability and geological formation on soil horizon is wildly variable in lieu of those deposits. So you have to be very careful in your foundation design. We pick -- the choice for his design of piles. It's the obvious choice, because they present -- they provide scour -- it's called scour protection from any swift water that can remove the soils under the foundation.

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1 You would not place the foundation directly on
2 top of the soils adjacent to the creek, 'cause they will
3 be washed away. So you use piles -- piles to be driven.
4 Piles can be [indiscernible] cast. We chose helical
5 piles. The advantage of helical piles is that they
6 provide an instant load capacity rating, independent of
7 soil type. Because of the way the soil -- they're
8 installed, you will -- it can correlate the torque that
9 it takes to screw the helical into the ground to it's
10 ultimate load capacity.

11 So this gives us both -- covers wildly
12 variable soils. We don't have to worry that -- that if
13 we get there and the soils don't match the geotechnical
14 port -- a common problem, especially in loessial soil.
15 We have automatic confirmation at installation that the
16 piles are screwed into the appropriate torque and will
17 provide the capacity required.

18 They also work well in the hydraulic situation
19 like this because we are -- we're adjacent to the creek,
20 minimal disturbance of soils, all the other advantages
21 in that. So that was the process in which that -- his
22 specific site was -- was evaluated and how a specific
23 foundation was evaluated.

24 Q Does that particular type of bridge or that
25 particular type of foundation have any susceptibility to

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1 what us laypeople know to be settling or any sort of
2 movement as a result of erosion or, you know, changes in
3 the soil?

4 A That's why we use the piles. Because of the
5 scour. Scour is the process where the water erodes that
6 soil around the foundation. As that soil erodes, then
7 the pile -- then the foundation could become unstable.

8 To prevent at that, we use what's called a
9 deep foundation, which is the piles. So as helical are
10 shredding, there is a 3-foot concrete footer that
11 encases the helical. The 3-foot is required by the DEP
12 to -- to be below the channel depth. So that 3-foot is
13 there, and then you have the piles below that and the
14 bridge on top of it.

15 Q Do you recall or do you know whether the
16 bridge that you designed for Mr. Chaudhari included what
17 I know to refer as the approach or the approaches to and
18 from the bridge on either side?

19 A I'm only contracted to design a bridge.

20 Q And what is the bridge? How would you
21 characterize what a bridge is?

22 A The deep foundations of the piles, the
23 abutment, and the bridge deck.

24 Q What -- what is everything else considered?
25 Meaning, those -- those additional construction matters

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1 that are required to turn a structure, a bridge into a
2 useable overpass?

3 A Uh-huh.

4 Q What are those additional components
5 comprised -- comprised of?

6 A There is either abutment wing walls, which are
7 walls that would come off the abutment and silt is
8 placed in it. And that's part of the site grading
9 activity as far as bringing the fill in and filling and
10 placing the fill around it. It's not -- it's a bridge
11 approach. It's a -- you know. It's not the bridge.

12 Q Is the bridge approach within the purview of
13 your expertise?

14 A Uh-huh. We design them.

15 Q Is that something that you design regularly?

16 A We have, yeah. I mean, there's -- it just
17 depends on the project. Sometimes the engineering
18 breaks at the abutment, and I design the bridge.
19 Sometimes I design the whole thing. It varies on the
20 project.

21 Q Do your designs themselves, your renderings or
22 sketches --

23 A They're designs. They're drawings.

24 Q Thank you.

25 Do your drawings always include matters in

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1 addition to the bridge itself such as fill and
2 approaches?

3 A Well, it depends on what we're contracted to
4 do. I mean, this particular project, we are contracted
5 to design a bridge. We did one for Grant County, and
6 again I was contracted to design a bridge. And all I
7 designed was the bridge, and I didn't design the
8 abutments or the deadmen that held up the suspension
9 bridges.

10 Engineering specializes in certain components
11 which are broken up to specialist tasks. If I were to
12 design you a building, I would not design the air
13 condition system or the electrical or the fire safety,
14 but I may design the structure of the building and the
15 foundation. So it's very compartmentalized.

16 Q I understand.

17 I'm going to show you a document that has --
18 for purposes of discovery, been previously identified as
19 Section B, No. 18 Chaudhari 00109.

20 MS. LUKEN: Okay. You can.

21 THE WITNESS: Uh-huh.

22 BY MR. HARPER:

23 Q Do you recall having reviewed or received that
24 document?

25 A It's a silt fence detail. I don't know if

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1 it's mine or if it's someone else's --

2 MS. LUKEN: For the record, this is a --

3 THE WITNESS: Doesn't appear to be mine.

4 MS. LUKEN: I'm sorry. I didn't mean to
5 interrupt you.

6 For the record, this appears to be a blowup of
7 a portion of a plan sheet page, but it does not
8 have identifying markings on it with respect to
9 where it came from.

10 MR. HARPER: You're right.

11 BY MR. HARPER:

12 Q Do you recall ever having received that or --
13 or seen that before?

14 A I couldn't -- I -- I may have. I have no idea
15 if I've ever seen that. I mean, it's a silt fence. It's
16 pretty generic. It's not, you know, it's not specific
17 to anything, it's a, you know, it's nothing that -- it's
18 a boilerplate detail. It's nothing that exciting.

19 Q Up at the top of this document, it has
20 "Underlined Sequence of Construction." Do you see that?

21 A Uh-huh.

22 Q And No. 1 is -- well, I guess the better
23 question is: Does this document that I've shown you in
24 any way incorporate or -- or reference the bridge itself
25 that you designed?

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1 "Build a bridge. Strip and stock pile dirt, rough
2 grade, construct a drawing, septic system drain
3 field, finish grading, site restoration."

4 BY MR. HARPER:

5 Q Is -- is that particular enhanced drawing so
6 generic that it's something you yourself have ever
7 included in your design of any bridge?

8 A Well, sequence of construction is -- how do I
9 explain this? If you have a set of plans to build a
10 bridge on a site, you will have a sequence of
11 construction somewhere in that so that you will explain
12 to the contractor what has to be done first.

13 Whether you are building a house, a bridge,
14 what do we do first? The sequence of construction is
15 you put in your silt fence. You build a bridge. Then
16 you want to strip and grade. Then we're going to do
17 this, and then we're going to do this. That was how it
18 was permitted to the entity, to explain the entity that
19 we're going to -- we're not going to build a house
20 first. We're going to build a bridge first. Whoever
21 the reviewer is.

22 This sequence of construction would cover
23 multiple contractors. I mean, the guy who built the
24 house wouldn't install the septic. You know, the guy
25 who built the bridge might not -- he may or may not do

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1 MS. LUKEN: Objection. Predicate.

2 THE WITNESS: Can you ask me that question
3 again?

4 (Simultaneous speaking.)

5 BY MR. HARPER:

6 Q Yes, sir. The question -- it's not going to
7 clarify things for you.

8 Are you able to, in your review of that
9 document, identify any sort of detail or information
10 that leads you to believe or confirms that this is even
11 related to the bridge that you designed?

12 A Well, this sequence of constructions, there's
13 a sequence of -- sequence of construction could be on
14 any set of drawings. It does say, "Construct a bridge."
15 It could be any bridge. It's a generic sequence of
16 construction that you -- that's obviously been developed
17 for this project, whatever this project is.

18 Q Yes, sir. Is that --

19 MS. LUKEN: For the record, the reference that
20 the witness was making was to the plan sheet
21 itself, whatever project the plan sheet pertains
22 to.

23 THE WITNESS: Yeah. I mean this -- this could
24 be to a house in Tallahassee. It could be
25 Mr. Chaudhari's. It could be anything. It says,

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1 whatever. They're, you know, it's an overall sequence
2 of construction for some construction activity that
3 needs a silt fence and this is probably a tree
4 protection barrier.

5 Q I understand. Thank you.

6 Now, I -- I may have previous -- previously
7 asked this question, and if I did I'm -- I'm sure
8 Counsel next to you will object.

9 But did you make any effort or did you take
10 any action to determine if any additional permit to the
11 environmental permits would be required of this project?

12 A When I received the project, I was told that
13 the environmental permits were in place. I contacted
14 the town building department to see if any building
15 permit would be required for the bridge.

16 Q Can you confirm that there was no building
17 permit required?

18 A We spoke without a phone log but we had spoke
19 with Kathy, I think it was Kathy, at the building
20 department. They have a part-time planner and building
21 inspector, and they said there would be no permit
22 required for the bridge. They don't permit bridges,
23 apartment dwellings. And when the house gets permitted,
24 then they will look at the bridge.

25 I did talk to the engineer up there, either by

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1 e-mail or verbally. I don't recall. And I explained to
2 him that we were building a bridge and there's things he
3 might not be able to see when they come do the
4 inspection of the house. And I told him if he needed me
5 to do a letter certifying that it was built at the time
6 or something, we could do that.

7 Q Do I -- did I interpret your recital of that
8 conversation to mean the folks you spoke with locally
9 advised you that bridges in that area did not have to be
10 permitted?

11 A We asked if they needed a building permit, and
12 we explained it was a bridge on a residential piece of
13 property. And they said they would not require a
14 building permit.

15 Q Other than an environmental permit and a
16 building permit, what other types of relevant permits do
17 you frequently encounter?

18 A For bridges, for --

19 Q Yes, sir. I'm sorry. Yes, sir.

20 A So in the construction of a bridge, what
21 permits are typically required --

22 Q Yes, sir.

23 A -- is that the question?

24 Q Yes, sir.

25 A All right. There's usually some type of site

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1 plan, an environmental permit, and a building permit,
2 but it's variable. It's not -- there have been plenty
3 of places I've been where they didn't require a building
4 permit. It's -- there is no nationwide standard for
5 what gets a permit and what doesn't. It's all up to
6 local jurisdiction.

7 Q Who ordinarily creates or drafts the site
8 plan?

9 A I -- usually. Well ...

10 Q If there -- even if a -- a usually?

11 A Yeah, yeah. I mean, civil engineers draft
12 site plans, but, I mean, it depends on -- on the overall
13 world on this project.

14 Q How about for a -- a light vehicular bridge?

15 A It depends on the -- it depends on where we
16 are, the entity what -- what jurisdiction you're under,
17 it would be varied. If you were, say -- well, it's
18 variable. I don't know. I don't know how to answer
19 that question really.

20 Q How many bridges have you designed for
21 construction or erection in the state of New Jersey?

22 A How many have we done in New Jersey?

23 Q Yes, sir.

24 A I want to say half a dozen or so. It might be
25 more. We did for a lot of hurricane Sandy work. I'm

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1 not sure where exactly -- how far that went from Jersey
2 into New York. It was both areas; so I'm not sure.

3 Q Is there anything that you believe to be
4 particularly unique or distinct about New Jersey's
5 operations or requirements as it relates to the
6 construction of a bridge?

7 A All states. All jurisdictions are unique.
8 You know, there, they are all different. They all have
9 their nuances.

10 Q Do you recall, during your involvement in this
11 project for Mr. Chaudhari, ever having communications
12 with anyone from the New Jersey Department of
13 Environmental Protection?

14 A Uh-huh. I spoke with -- I've got his number,
15 his name and number. We spoke with a couple -- a couple
16 of different people the -- trying to remember if it's
17 Chris or Eric. I can't remember the name, but it's the
18 person who wrote the letter of violation. I spoke with
19 them, and I spoke with the field inspector from DEP.

20 Q Do you know whether or not Mr. Chaudhari ever
21 was notified of the determination that the change in
22 location was necessary for the bridge?

23 A I don't know what Mr. Chaudhari has been
24 notified of. I don't know.

25 Q Do you know whether or not a change in the

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1 location of a bridge impacts any environmental permit?

2 A Does the change in the location of a bridge
3 affect an environmental permit?

4 Q Yes, sir. Are there any sort of ramifications
5 that may result from the change of location?

6 A We would note it to the agency, yes.

7 Q Okay. Is that only required if a building
8 permit is required, noting it to the agency?

9 A It may be required of the DEP's permit. I
10 don't know specifically what DEP's permit requires. I
11 don't have it in front of me, but it would have a list
12 of -- if you have the DEP, it will have a list of the
13 items required that they want. This is the process.
14 Here's the permit, and you do these 10 things, and then
15 you're done.

16 Q I'm going to show you what has been previously
17 marked for identification as Section B, No. 12
18 Chaudhari 000058. And this appears to be the New
19 Jersey Department of Environment Protection original
20 permit.

21 MS. LUKEN: Counsel, when you say "previously
22 marked for identification," what -- what are you
23 talking about?

24 MR. HARPER: For -- just internal discovery.

25 MS. LUKEN: Oh, okay. Just as baseline, but

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you're not stating that was identified in some other deposition --

MR. HARPER: Oh, no, ma'am. No, ma'am.

MS. LUKEN: Okay. That's fine. I just wanted to clarify that. Thank you.

BY MR. HARPER:

Q Do you recall or have any familiarity with that -- that document?

A I've seen the first page.

Q Is there -- is there any -- well, I guess I should ask you, Do you not recall having seen the subsequent pages?

A I didn't do the environmental permitting; so I never received the permit. I never applied for -- that wasn't my area.

Q Correct. I understand, but is there no need whatsoever as the structural engineer to have a copy of the environmental permit?

A I did. I had the first page.

Q And that's all that you --

A It was good enough for me.

Q Okay. And could -- could you explain why that is or --

A Because another professional had handled it.

Q What on the front page, if anything,

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Q I understand.

A -- what you're relying on --

Q Yes, sir.

A You're relying on the fact that another engineer has come in and gotten all the relevant permits for this project.

And it's not germane to my design, but it's just something that you'll ask. "Do you have all the permits?"

"Yes."

"Does the person own the property?"

"Yes."

Things like that.

Q Okay. With respect to any sort of change in the -- the location of a bridge -- and please correct me if I'm wrong, but prior to -- to showing you this document, I -- I understood you to say the permit itself will have the information everyone needs to know. What impact, if any, a change in a bridge's location would or may have to an environment permit? Is that accurate --

A No. The permit is issued to the owner or the contractor, the property owner, and then they execute the permit. So this permit covers construction of the bridge, placement of the fill, all those components.

Q Is there anything in that permit that stands

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represents the information you needed that's good enough for you?

A There was a plan sheet and this first page that came from Lan and Associates. They're a professional engineering firm.

Q Yes, sir.

A I've never spoken with Mr. Wosterbrock. I left him plenty of messages, but --

THE COURT REPORTER: With who?

THE WITNESS: Wosterbrock. W -- I'm going to butcher this -- N-O-S-T-E-R-B-R-O-C-K. Close. Where was I?

They were the ones who secured the permit; so they would know all of the particulars of the requirements of the permit as far as if there was anything.

BY MR. HARPER:

Q Okay. So when -- when you were saying that you had -- you remember seeing the first page, that's all you needed. Are you saying that because all you need to know is that there is a permit?

A That -- it was another professional who came in and said, "We've secured all the necessary permits."

Q Okay.

A That's -- that's --

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out to you that speaks to or mandates a particular location in which the bridge must be built?

A The next pages appear to be boilerplate language from the DEP. I don't know this form. I don't have enough time to read and digest all of it.

Q That's okay. I -- I'm not asking you to do that. I'm just -- in general, I was wanting to know if there is anything obvious to you that stood out that, you know, perhaps you were familiar with.

A They do have a drawing with a proposal location bridge, which is part of the permit.

Q Okay. And the bridge that was designed and ultimately erected was not placed at the location identified in that document attached to the permit; correct?

A No, no. It wasn't.

Q Okay. Do you recall having a conversation with Brian Green or anyone at Nature Bridges letting them know that the bridge that the owner is asking for won't fit at the location identified in the -- the drawing provided?

A I notified them when I looked at these plan, that sheet, and I looked at this dimension, I said, "This dimension of the bridge length was different than what they requested I design."

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Specifically location at the time of design, no. I had no idea where it was going. It was going to go on that location or if it was going to go somewhere else.

Q Okay. So you have that conversation. What are your instructions from Nature Bridges thereafter?

A That the client requested a 20-foot bridge and that's what they wanted me to design.

Q And so that's what you did?

A Yes.

Q That design, once complete, what do you do with your -- your draft design?

A We forwarded it on to Nature Bridges for construction.

Q And in terms of location, is it then up to the contractor to determine the location in which that -- that size bridge fits?

A I don't think I understand the question.

Q Okay. I'll rephrase.

Do you know or have reason to know how the location of the bridge as built was ultimately determined?

A 'cause that was the only place it would fit and not be in the creek.

Q And who determined that?

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A I don't know. I don't know. I believe it would be Brian Green or Mr. Chaudhari, or I don't know. I mean, I was not privy. I can't answer that question 'cause I wasn't privy to that. I wasn't there --

Q Yes, sir.

A -- to determine where it was going to go.

Q Do you know whether or not the bridge as built was made of steel or wood or concrete?

A It was concrete.

Q Okay.

A It's steel, steel piles or concrete abutments, and a precast concrete deck.

Q What is your understanding of the -- the circumstance -- excuse me, the circumstances surrounding noncompliance with the environmental permitting?

MS. LUKEN: Objection to form. Predicate.

MR. HARPER: Yes, ma'am. Let me rephrase.

BY MR. HARPER:

Q At some point, did you receive or get wind of a notice of violation?

A Yes.

Q And that notice of violation was disseminated by who?

A I believe it was forwarded to me by April James. I don't recall. It was e-mailed to me.

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Q And who determined that?

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Q Do you know or have an idea of what the -- the substance or the impetus of that notice of violation was?

A Oh, yes. There were five items, I believe. The permit -- they requested the permit to be recorded at the clerk's office. They required a silt fence be reinstalled. Some of it I had been falling over. There were five items. They were minor, a silt fence, record the permit. That was pretty much it. Oh. Post the permit on-site. It's, you know, I'm sure you have that letter somewhere.

Q Do you know or not whether a determination was made that the as-built location complies with the environmental permit?

A Do I -- do I know if the as-built location complies with the permit?

Q Yes, sir.

A I don't -- I don't -- the permit is a permit to construct a bridge in the wetland over a creek. The drawings are not for construction. They're stamped "not for construction." They're for permitting. They're there to show intent that we're going to cross this creek to get to this property --

Q At a particular location; correct?

MS. LUKEN: No. Please, do not interrupt the.

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witness when he's answering the question.

THE WITNESS: The location is going to vary like all things vary that we build versus what we propose.

BY MR. HARPER:

Q Understood.

A So I don't know that I follow the question.

Is it -- I'm sorry. Would you repeat the question? Is it ...

Q I -- I -- let me -- I could, but I'm not going to, 'cause it's only going to confuse you.

Do you know whether or not Lan and Associates was notified of any -- any change to their original drawing?

A The only contact I had with Lan was in the very beginning to try and get these drawings electronically, which we never got. We never respond ^{with} they never responded. And I remember talking to one of them about completing an as-built survey. The dates of that, I don't recall off the top of my head.

Q Is that customarily your obligation or responsibility as the structural engineer?

A No. I don't typically call for the -- the as-built drawing. That's usually the contractor or the owner that handles that.

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can determine a price of construction without having received design drawings from an engineer?

MS. LUKEN: I'm going to make an objection

here, and it's kind of along the lines as follows.

Mr. Parker is here as a fact witness. The majority of the questions that you have asked him have been questions that you would ask of a professional with respect to just generalized knowledge about construction or engineering or other matters.

You know, I'm sure were -- were he not on this side of the table, I'm sure he would be happy to provide you with the benefit of his experience and education. You know, as a consultant-type arrangement, but I guess my suggestion is, you know, unless, there is some plan to compensate Mr. Parker for his knowledge and experience, which is how he makes his living, you know, I would respectfully ask that you ask questions relative to the facts of this case as opposed to just your own interest in understanding how estimating works or what the different fields of civil engineering are.

BY MR. HARPER:

Q You can answer the question still.

A Do I know what an estimator does?

Q No, sir.

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Q So my -- my original question was: Do you know whether Lan and Associates was -- was contacted or notified that a determination has been made, that the as planned location wasn't going to work, and therefore the as-built location was --

A I don't know what Lan was notified of or not notified of. I did not do it.

Q Yes, sir.

Do you know of an individual by the name of Santiago Garcia?

A Uh-huh.

Q It's -- it's inorganic, I recognize, but because our court reporter has to, you know, type out everything we're saying, so normally a verbal --

A Yes.

Q Thank you.

Who -- who do you know Santiago to be?

A Santiago was an estimator for Nature Bridges.

Q And recognizing this is not your necessary -- necessarily your field of expertise, what is your understanding of what an estimator does?

A I don't know what he did at Nature Bridges, but typically an estimator estimates cost of construction.

Q Do you -- do you know how or if an estimator

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In your experience, is it common or uncommon for an estimator to reach out to the -- a structural engineer and obtain a design for purposes of incorporating that and factoring it into an estimate?

A No. For the simple fact that we -- we get paid to design. You would -- you'd be asking if the estimator called me up and said, "Matt, I need you to -- I've got to price this bridge, and I need you to design it first."

Well, that's how I make a living. So if --

Q That's not happening?

A -- if I need to design it, I'll be happy to do it. And there's a fee attached to it.

If you want me to, you know, that's -- that's not how it works. Nobody calls me and says, "Matt, I'm pricing this job. What size beams do I need?" That -- that -- that's not how it works.

Estimators will typically take standardized costs from previous jobs or industry standards or whatever estimators use, and they will figure out what their -- their estimate is. And there is always a difference between the estimate and when the job actually comes in under bid once it's been designed.

Q Do you have a -- a universally recognized flat fee for designing the type of bridge that you designed

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1 for Mr. Chaudhari, or is it on a case-by-case basis?

2 A Yeah. It's case-by-case, and we work hourly.
3 We estimate how many hours it would take to design and
4 prepare a proposal. Some proposals are purely hourly
5 depending on variability. A smaller defined scope, we
6 can give a lump sum.

7 Q In your experiences with Nature Bridges, by
8 and large, who is your direct contact person?

9 A Depends on the project. I have some projects
10 I've had direct contact with J.D. Sometimes it's April;
11 sometimes it's Brian. Sometimes it's a foreman on the
12 site. It all depends on the various stages.

13 If it's during construction, I will typically
14 deal with J.D. or Brian or Will or Rick. If it's in
15 design and construction, I may deal with J.D., April, or
16 Brian. It just depends on the phase of where the
17 project is. *Don't put it with the other*

18 Q Yes, sir.

19 Do you recall having communications during the
20 construction of Mr. Chaudhari's bridge with Rick?

21 A I believe we spoke. I don't know if it was
22 Brian I spoke with or Rick I spoke with, 'cause that's
23 when it came up about the placement of fill on the
24 adjacent property, the grading that would be required to
25 go on the adjacent property.

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1 Q Do you have or do you know whether you have
2 any sort of documentation in the file for this project
3 that would reflect or shed light on any tweaking to the
4 original proposed site plan or otherwise memorializes
5 the -- the various steps you took during your
6 involvement in this case?

7 A The only thing I had to e-mail, to memorialize
8 it was an e-mail between Santiago and myself where I
9 sent him an e-mail and said that -- that the drawings
10 call for 32-foot bridge and you're requesting a 20-foot
11 bridge. Do you -- I said, you know, "Are you aware of
12 this?"

13 And that's when it was my understanding Brian
14 called me and said, "Yes, that's what we requested to
15 quote, and that's what we were requested to put in," and
16 so, that's about the only thing that I have.

17 Q Just -- just so that I -- I am clear, did I
18 understand you to say that, as you recall, you sent an
19 e-mail to Santiago or you reached out to Santiago
20 about --

21 A No. Santiago or Brian. I don't recall.

22 Q Okay.

23 A It was one of the two.

24 Q But it was Brian that -- that reached back out
25 to you?

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1 A Uh-huh.

2 Q Okay.

3 A Yeah.

4 Q Do you recall or do you know whether you
5 submitted any invoices to Mr. Chaudhari that were
6 unpaid?

7 A When the notice of violation came out, we did
8 research on it, prepared an extension for DEP, and I
9 believe there was one invoice that went out and a *voice*
10 proposal for additional work to clear everything up on
11 the notice.

12 It was in e-mail form. I don't know whether
13 it was a formal proposal but it was in e-mail form
14 basically. This is what we spent to date and this is
15 what it's going to take to finish it.

16 Q I understand.

17 A And I don't know -- to date, I don't know if
18 that's ever been paid.

19 Q Is that an -- an outstanding invoice for
20 services rendered or is that more akin to a proposal for
21 services to be rendered in the future?

22 A It was two. There was an invoice for services
23 rendered and a proposal for services to render of
24 services. A proposal to render service.

25 Q And your recollection is that that's in an

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1 e-mail format?

2 A Yes. I believe that is an e-mail.

3 Q Do you recall if they were contained in the
4 same e-mail or if they were separate e-mails?

5 A It's in the same e-mail.

6 Q Okay.

7 A I think somebody should have that.

8 Q What was your scope of work as agreed to with
9 Nature Bridges?

10 A Provide the structural design of a bridge.

11 Q And nothing else?

12 A Nothing else.

13 Q The additional efforts you made, such as
14 reaching out to the engineers in New Jersey or the folks
15 with DEP, or the local township, were those within the
16 scope of your work, or did those exceed the scope of
17 your work with -- as agreed to with Nature Bridges?

18 A The reaching out to the town to check on a
19 building permit is something we would do as a customary
20 thing. Reaching out to Lau and Associates is what we
21 typically do when we get a project once environmental
22 permits have been complete and we're doing structural
23 drawings. Contacting DEP was outside of my scope. It
24 was a result of the notice of violation.

25 Q Do you recall Mr. Chaudhari ever requesting of

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1 you to provide him with any additional design or any
2 services that exceeded the scope of work with -- that
3 you agreed to with Nature Bridges?

4 A Yes. That's why the proposal was provided.

5 Q And as you recall, that proposal was to clear
6 up the notice of violation and the -- the various
7 permitting issues that were outstanding?

8 A Yes.

9 Q Do you recall ever having any communication to
10 or from Mr. Chaudhari pertaining to fill -- additional
11 fill or -- or abutments or approaches to the bridge he
12 designed?

13 A No. Our only conversation had to do with the
14 notice of violation.

15 Q What measures need -- or corrective measures
16 needed to be taken to alleviate the violations
17 identified in the -- the notice of violation?

18 A A letter in the file -- I don't recall
19 exactly, but to the best of my recollection, there were
20 four or five items. They pertained to recording the
21 permit at the clerk's office, post the permit on-site,
22 stand-up silt fence, and install an additional silt
23 fence for turps [ph]. I think that was it.

24 Q Do you have experience, or are you required to
25 account for silt fences and the like when you are hired

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1 three minute break just to use the restroom; is
2 that okay, Ms. Luken?

3 MS. LUKEN: Yes.

4 (Recess from 2:21 p.m. to 2:33 p.m.)

5 BY MR. HARPER:

6 Q I've just -- I'll be just a couple more
7 moments, if that -- Mr. Parker.

8 Do you recall having any conversations or
9 communications with -- with anyone as it relates to
10 Mr. Chaudhari's bridge between the time that you were
11 initially engaged to design this bridge by Nature
12 Bridges until the time that you were notified or learned
13 of this notice of violation?

14 A Did I communicate with anyone from the time I
15 was contracted with 'till the time of the notification?

16 Q Yes, sir or --

17 A Communicated by whom?

18 Q By -- by Mr. Chaudhari or anyone on behalf of
19 Nature Bridges regarding this project.

20 A Well, yes. I had spoken with Nature Bridges
21 during the design process, "When will it be done?"
22 "When it's done" --

23 Q Okay. How -- how about from the time the
24 design process was complete? Was your next
25 communication around the time that this notice of

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1 to design a -- a structure or a bridge?

2 A It depends on the scope of services I'm
3 providing.

4 Q Okay. But what about in this case --

5 A No.

6 Q -- with Mr. Chaudhari?

7 A No. That was done.

8 Q I'm sorry?

9 A That was done by others.

10 Q I -- I understand.

11 Who would -- who was responsible for the silt
12 fence?

13 A Well, it's the permittee. Whoever holds the
14 permit; so it's the owner or the contractor.

15 Q Is the silt fence a -- a -- is that an
16 environmental matter, or is that a structural matter?

17 A It's not a structural matter. It's a permit
18 condition. You also have to have a portable toilet, and
19 you have to post a permit. Those are the conditions
20 that are placed on the permit, but they're not --
21 they're not germane to the structure. And I'm also not
22 aware of whose responsible to do that on this particular
23 job, and it varies from job to job. Could be them;
24 could be the contractor. I don't know.

25 MR. HARPER: Could we take a -- just a two or

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1 violation was --

2 A No. We've communicated during construction.
3 So as I said before, we had the conversation about
4 bridge placement and the fill on adjacent property.
5 That fill it would -- that issue. We had conversations
6 about installing helicals, torques that were achieved.
7 We had conversations about regular concrete and, you
8 know, reviewing some metals for concrete and-- and
9 rebar, normal construction review.

10 Q I understand.

11 Do you ever have occasions in your practice
12 where you're hired and compensated for designing a
13 bridge, you complete that, you provide it to your
14 client, and then that's the end of things?

15 A Oh, sure. I mean, it all depends on what
16 we're contracted for. We're contracted for design. We
17 contract for design and construction management. We
18 design for over-site. Sometimes I've contracted just to
19 design a bridge. Sometimes I'm contracted to observe
20 someone build a bridge. So it's very compartmentalized.
21 There is usually a redundancy -- well, not usually, but
22 in certain large projects, there can be redundancy in
23 professionals.

24 Q With this particular project, were you
25 contracted by Nature Bridges solely for the design of a

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1 bridge?

2 A Uh-huh. Yes.

3 Q Okay. You were not contracted to provide
4 managerial support or any of these other matters that
5 you just --

6 A No.

7 Q So anything that you may have done that --
8 above and beyond the actual design that -- you just did
9 as a favor for a lack of a better word or just --

10 A I don't know if it was a favor, but a
11 professional courtesy. The notice of violation came in,
12 and my response was, "This a Lan issue. Lan is ~~(X)~~
13 unresponsive. Can you look at it and tell me what's
14 going on?" And I did.

15 Q I understand.

16 Your -- your communications to and from Nature
17 Bridges with regard to not just your drawing of a
18 design, but all of these design related matters
19 thereafter, would you characterize those efforts as
20 being something you were contracted for?

21 And if it will help, I'm certainly willing to
22 re-phrase. I'm just trying to determine, when you
23 testified you were contracted to design a bridge --

24 A Uh-huh.

25 Q -- I envision writing -- sitting down and you

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1 notice of violation came across your desk; is that
2 correct?

3 A Chronologically, those occurred --

4 Q Yes, sir.

5 A -- prior to a notice of violation. Yeah. So
6 the notice of violation showed up six months after
7 construction was -- I don't know exactly, but sometime
8 after construction was complete, months. Maybe a year.
9 I don't know.

10 Q Absent a building permit requirement, is there
11 any final inspection that is performed by New Jersey or
12 any of their governing bodies therein to confirm
13 structural integrity of a bridge, this bridge?

14 A This bridge?

15 Q Yes, sir.

16 A No. A private bridge? No.

17 Q Do you know how long it took for Nature
18 Bridges to complete the construction of this bridge?

19 A I have no idea.

20 Q Do you know whether or not Nature Bridges
21 constructed the bridge off site and then transported it
22 to the particular property?

23 A Well, the bridge -- the bridge planks, the
24 structure that stands between the upper abutments were
25 precast. They were made in Jacksonville. Those are the

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1 having drafted a design. Is -- is that accurate, or is
2 that missing quite a bit of additional --

3 A No, that's accurate. We prepared the drawings
4 for them to build a bridge then them calling me during
5 construction about -- there was an issue with fill that
6 would be placed in the future that would -- to get a
7 slope, they had called me and asked me what the slope --
8 allowable slope and side slope for bringing the fill in.

9 And I said, "Well, four to one would be ideal.
10 Two to one can be achieved with geotextile [ph] or
11 something like that. Why -- while we only have so many
12 feet to the property line and we're going to be on their
13 property."

14 My response was, "You cannot put dirt on
15 someone else's property," and that was kind of the end
16 of that.

17 The other conversation was with respect to
18 helical and concrete I would consider, you know, typical
19 conversations regarding specific construction specifics
20 from the design spec. "Matt, here you requested 3500PSI
21 concrete. Here are the cut sheets from the people who
22 provided the concrete to prove that we've got that. Is
23 this acceptable? Yes, no?"

24 Q And both of those areas are separate and apart
25 from any sort of conversations you may have had once the

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1 ones that I had communicated with about the bridge deck.
2 We needed it. So that's the modular nature of the
3 bridge. The only part that was constructed on-site --
4 well, it was all constructed on-site, but the piles were
5 driven there. They come in as raw piles. Concrete
6 comes in a truck, steel is -- comes in on a truck. The
7 bridge planks come in prebuilt. They're precast.
8 They're what's called precast planks. So they are cast
9 somewhere else and trucked to the site.

10 Q And your understanding is that they came from
11 Jacksonville?

12 A The people that I -- I don't know where
13 Nature -- I don't know who Nature Bridges ultimately
14 purchased them from. At the time of the design we had
15 communicated with Gate. They're a large precaster in
16 Jacksonville. We were coordinating logistics with Gate,
17 "Can you get something to New Jersey? What's your lead
18 time on this, what's this" -- who they purchased from, I
19 don't know.

20 Q Okay.

21 A They did not tell me, but I -- there is
22 standards in the precast industry that are nationwide,
23 and that's how I inspect the planks. They could have
24 gotten them from Gate. They could have gotten them from
25 the gulf coast. They could have gotten them locally, a

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1 preonster in New Jersey. I just know the gentlemen in
2 Jacksonville is who I call.

3 MR. HARPER: Yes, sir. I understand. Nothing
4 further.

5 MS. LUKEN: You are not a witness to this --
6 you are not a party to this case. You have the
7 ability to read your deposition if it is ordered,
8 or you can waive that right. The court reporters
9 are very good, and they take down good notes. But
10 it's still -- some people would like to read.
11 Would you like to read?

12 THE WITNESS: No, ma'am.

13 MS. LUKEN: You can read if you want.

14 MR. HARPER: And for what it's worth, you
15 can't change anything anyways.

16 MS. LUKEN: You can read if you want you. You
17 can -- you can read if you want.

18 THE WITNESS: Do I want to read?

19 MS. LUKEN: I think it's -- you may want to
20 consider doing it, yes.

21 (Deposition concluded at 2:42 p.m.)
22
23
24
25

ACCURATE STENOTYPE REPORTERS, INC.

In The Matter Of:
J.D. JAMES, INC. v
AUTOZONERS, LLC,

MATTHEW PARKER
February 21, 2018

Accurate Stenotype Reporters
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Tallahassee, Florida